

**PLANNING COMMISSION RESOLUTION 2002-012
CONDITIONS OF APPROVAL - ADOPTED
SITE DEVELOPMENT PERMIT 2001-722
JANUARY 8, 2002**

FILE COPY

GENERAL

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Site Development Permit. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.

2. Prior to the issuance of any permit by the City, the applicant shall obtain the necessary permits and/or clearances from the following agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Community Development Department
 - Riverside Co. Environmental Health Department
 - Coachella Valley Unified School District
 - Coachella Valley Water District (CVWD)
 - Imperial Irrigation District (IID)
 - California Water Quality Control Board (CWQCB)
 - SunLine Transit Agency

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, applicant shall furnish proof of such approvals when submitting the improvement plans for City approval.

3. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Chapter 8.70 (Stormwater Management and Discharge Controls), La Quinta Municipal Code ("LQMC"); Riverside County Ordinance No. 457; and the State Water Quality Resources Control Board's ("SWQRCB") Order No. 99-08-DWQ.
 - A. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this Site Development Permit.
 - B. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

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- C. The applicant's SWPPP shall include provisions for all of the following Best Management Practice ("BMPs"), 8.70.020 (Definitions), LQMC:
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
 - D. All of applicant's erosion and sediment control BMPs shall be approved by the City Engineer prior to any on or off site grading being done in relation to this project.
 - E. All approved project BMPs shall be maintained in their proper working order throughout the course of construction, and until all improvements have been accepted by the City.
4. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

PROPERTY RIGHTS

- 5. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services, and for the maintenance, construction and reconstruction of essential improvements.
- 6. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
- 7. Prior to obtaining any permit, the applicant shall dedicate the following right-of-way:
 - A. PUBLIC STREETS
 - 1) Avenue 52 (Primary Arterial) - 55-foot from the centerline of Avenue 52, for a total 110-foot ultimate developed right-of-way.

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8. Right-of-way geometry for property line corner cut-backs at curb returns shall conform to Riverside County Standard Drawing #805, unless otherwise approved by the City Engineer.
9. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas shown on the Site Development Permit.
10. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, ingress/egress, or other encroachments will occur.

IMPROVEMENT PLANS

As used throughout these conditions of approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

11. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the scale specified, unless otherwise authorized by the City Engineer in writing. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

A. On-Site Site Development Plan: 1" = 40' Horizontal

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

"Site Development" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

12. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate. (For reference, see Section 13.24.040, LQMC).
13. The City maintains standard plans, details and/or construction notes for elements of construction. For a fee, established by City resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.

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14. The applicant shall furnish a complete set of the AutoCAD files of all complete, approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format which can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

GRADING

15. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
- A. A grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer, and
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 (Fugitive Dust Control), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions submitted with its application for a grading permit.

16. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.

DRAINAGE

17. The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:
- A. Nuisance water shall be retained on site and shall be disposed of by draining such nuisance water into the tree and fruit crop areas.

UTILITIES

18. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
19. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

20. General access points and turning movements of traffic are limited to the following:
 - A. Primary Entry (Avenue 52): Left & Right turn in, Right turn out.
 - B. Secondary Entry (Avenue 52 at West P/L): Right turn in, Right turn out.

LANDSCAPING

21. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

22. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs long public streets.
23. Only incidental storm water will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.

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QUALITY ASSURANCE

24. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
25. The applicant shall employ, or retain, qualified engineers, surveyors, and such ~~or~~ other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
26. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that construction materials and methods employed comply with the plans, specifications and other applicable regulations. After tributary-area improvements are complete and soils have been permanently stabilized where retention basins have been constructed, testing shall include sand filter percolation tests, as approved by the City Engineer.
27. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the AutoCAD or raster-image files previously submitted to the City to reflect the as-built conditions.

MAINTENANCE

28. The applicant shall make provisions for continuous, perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.
29. The applicant shall maintain the required public improvements until expressly released from this responsibility by the appropriate agency.

FEES AND DEPOSITS

30. The applicant shall pay the City's established fees and/or deposits for plan checking, construction inspection and permits. The fee amounts shall be those in effect at the time of application for such plan checking, construction inspection and permits.

FIRE MARSHALL

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36. Provide or show there exists a water system capable of delivering 1500 gpm for a 2-hour duration at 20-psi residual pressure. The required fire flow shall be available from a Super fire hydrant (6"x 4"x 21/2"x 2 1/2") located not less than 25' or more than 165' from any portion of the buildings as measured along approved vehicular travel ways or means acceptable to the Fire Marshall.
38. Install portable fire extinguishers per NFPA -, pamphlet #10, but not less than 2A10BC in rating.
39. Access roads shall no less than 20 feet wide clear and unobstructed, a vertical clearance of not less than 13'6" and unobstructed.
40. Addressing shall be installed at the street entrance, along with directional signs inside.
41. Install a KNOX key lockbox, model 4400, 3200, or 1300. Key lock is to be installed, to right side of the front door, six feet from top of box to finished grade. Special forms are available from the Fire Department for the ordering of KNOX equipment, this form must be authorized and signed by the Fire Department for the correctly coded system to be purchased.